Date: <u>February 24, 2004</u>

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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	ent application OIPE			
of_	FEB 2 7 2004 S Inventor(s)			
for Title of invention				
PANELAND				
OR				
In re application of: MANNE SATYANARAYANA <b>REDDY</b> , et al.  Serial No.: 10/608,781 Group No.: 1625  Filed: June 27, 2003 Examiner.:  For: A PROCESS FOR PREPARATION OF OPTICALLY PURE OR OPTICALLY ENRICHED SULFOXIDE COMPOUNDS, INCLUDING AMORPHOUS ESOMEPRAZOLE AND SALTS THEREOF				
Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450				
TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT WITHIN THREE MONTHS OF FILING OR BEFORE MAILING OF FIRST OFFICE ACTION (37 C.F.R. 1.97(b))				
	CERTIFICATION UNDER 37 C.F	R 18(a) and 110*		
(When using Express Mail, the Express Mail label number is mandatory;  Express Mail certification is optional.)				
I hereby certify that, on the date shown below, this correspondence is being:				
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	37 C.F.R. 1.8(a)	37 C.F.R. 1.10*		
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\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

JANET L. CORD

(type or print name of person certifying)

NOTE: 37 C.F.R. 1.98(b): Each U.S. patent listed in an information disclosure statement must be identified by (1) inventor, patent number, and issue date. Each U.S. patent application published listed in an information disclosure statement (2) shall be identified by applicant, patent application publication number, and publication (3) Each U.S. application listed in an information disclosure statement must be identified by the inventor, application number, and filing date. Each foreign patent or published foreign patent application listed in an information (4)disclosure statement must be identified by the country or patent office which issued the patent or published the application, an appropriate document number, and the publication date indicated on the patent or published application. (5) Each publication listed in an information disclosure statement must be identified by publisher, author (fi any), title, relevant pages of the publication, date, and place of publication. **WARNING:** No extension of time can be had under 37 C.F.R. § 1.36 (a) or (b) for filing an IDS. 37

NOTE: The "filing date of a national application" under 37 C.F.R. 1.97(b) has two possible meanings. Where the filing is a direct one to the United States Patent & Trademark office, the filing is defined in 37 C.F.R. 1.53(b) as "the date on which: (1) A specification containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75; and (2) any drawing required by § 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by § 1.41." 37 C.F.R. 1.97(b)(1). On the other hand, an international application that enters the national stage occurs when the applicant has filed the documents and fees required by 35 U.S.C. § 371(c) within the periods set forth in § 1.494 or § 1.495. 35 U.S.C. § 371(c) requires the filing of the following: (1) the national fee; (2) a copy of the international application, unless already sent by the International Bureau, and an English translation if filed in another language; (3) amendments under PCT Article 19, with a translation into English if made in another language; (4) an oath or declaration; and (5) a translation into English of any annexes to the international preliminary examination report, if such annexes were made in another language. 37 C.F.R. 1.97(b)(2).

C.F.R. § 1.97(f).

## IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION DISCLOSURE STATEMENT

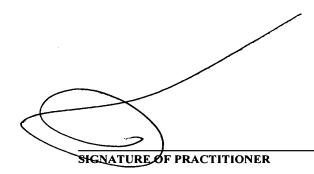
The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 C.F.R. 1.97(b).

- NOTE: "No certification or fee is due when the filing is made within the above time period. It is advisable to ensure that no Office action has been mailed if the disclosure statement is delayed until after three months from filing."
- NOTE: "An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 C.F.R. 1.8, or Express Mail certificate under 37 C.F.R. 1.10. An office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1138 O.G. 37-41, 39).
- NOTE: "The term 'national application' includes continuing applications (continuations, divisions, continuationsin-part) so three-months will be measured from the actual filing date of an application as opposed [sic] to the effective date of a continuing application." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

NOTE: "An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirements (37 C.F.R. 1.142) or just a requirement for additional fees to have a claim considered (37 C.F.R. 1.16(d)). Thus, if an application was filed on Jan. 1 and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosure statement filed prior to July 1." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

WARNING: "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 C.F.R. 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63).

If a fee is required, please charge deposit account 12-0425.



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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: MANNE SATYANARAYANA REDDY, et al.

Serial No.: 10/608,781

Group No.: 1625

Filed: June 27, 2003

Examiner .: --

For: A PROCESS FOR PREPARATION OF OPTICALLY PURE OR OPTICALLY

ENRICHED SULFOXIDE COMPOUNDS, INCLUDING AMORPHOUS

ESOMEPRAZOLE AND SALTS THEREOF

Attorney Docket No.: U 014673-3

Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450

## INFORMATION DISCLOSURE STATEMENT

We draw the attention of the Examiner to the attached English-language version of an International-type Search Report from a foreign office in respect of counterpart International Application No. PCT/US03/20250 that indicates the degree of relevance found by the foreign office. The Search Report makes consideration of any non-English art required. MPEP 609.

	CERTIFICATION UNDE	R 37 C.F.R.	R. 1.8(a) and 1.10*
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will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

placed thereon prior to mailing. 37 C.F.R. 1.10(b).

Form PTO-1449 is also attached with reference copies.

Respectfully submitted,

JANET I. CORD

c/o LADAS & PARRY 26 WEST 61<sup>ST</sup> STREET

NEW YORK, NEW YORK 10023

REG. NO.: 33,778 (212) 708-1935

**FORM PTO-1449** U. S DEPARTMENT OF COMMERCE ATTY. DOCKET NO. SERIAL NO. PATENT AND TRADEMARK OFFICE U 014673-3 10/608,781 INFORMATION DISCLOSURE **APPLICANT** STATEMENT-BY APPLICANT MANNE SATYANARAYANA REDDY, et al (Use several sheets if necessary) FEB 27 200 FILING DATE **GROUP** June 27, 2003 1625 REFERENCE DESIGNATION S. PATENT DOCUMENTS **EXAMINER** DOCUMENT FILING DATE IF INITIAL **NUMBER** DATE NAME **APPROPRIATE** AΑ 6,369,087 4/2002 Whittle et al. ΑB AC AD ΑE AF AG AH ΑI ΑJ ΑK FOREIGN PATENT DOCUMENTS **DOCUMENT TRANSLATION** NUMBER DATE COUNTRY **YES** NO AL 9602535 2/1996 WO AM 9828294 7/1998 wo ΑN 9854171 12/1998 WO ΑO ΑP OTHER ART (Including Author, Title, Date, Pertinent Dates, Etc.) Eberle, D. et al. "Chiral resolution of pantoprazole sodium and related sulfoxides by complex formation AR with bovine serum albumin in capillary electrophoresis" Journal of Chromatography A, 759, (1997) pp 185-192 Komatsu N. et al. "Kinetic Resolution of Sulfoxides Catalyzed by Chiral Titanium-Binaphthol Complex" AS J. Org. Chem. 58, (1993) pp 7624-7626 ΑT **EXAMINER DATE CONSIDERED EXAMINER:** Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.